



# Visible Women

## Female Sodomy in the Late Medieval and Early Modern Southern Netherlands (1400-1550)<sup>1</sup>

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Compared to the number of prosecutions for male sodomy, few cases of same-sex acts between women are known in early modern Europe. In the Southern Netherlands however, no less than 25 women were charged with this crime between c. 1400 and 1550, which means that nearly one out of ten accused sodomites in the region was a woman. Moreover, female sodomites were punished in the same way as their male counterparts. This article argues that the exceptional repression of female same-sex acts was the result of the relatively high level of liberty and visibility women enjoyed in the Southern Netherlands, compared to other regions. The more visible women were in society, the more women attracted to people of their own sex were at risk of being discovered and penalised.

*Zichtbare vrouwen. Vrouwelijke sodomie in de laatmiddeleeuwse en vroegmoderne Zuidelijke Nederlanden (1400-1550)*

In vergelijking met het aantal mannelijke sodomieprocessen dat in vroegmodern Europa gevoerd werd, zijn er amper zaken bekend waarin vrouwen betrokken waren. In de Zuidelijke Nederlanden daarentegen werden niet minder dan 25 vrouwelijke sodomieten vervolgd tussen ca. 1400 en 1550. Dit betekent dat bijna één op de tien beschuldigde sodomieten in de Zuidelijke Nederlanden vrouwen waren. Bovendien werden vrouwelijke sodomieten op dezelfde manier bestraft als hun mannelijke tegenhangers. Dit artikel stelt dat de grote mate van vrijheid en zichtbaarheid die vrouwen in de Zuidelijke Nederlanden genoten de oorzaak is van de uitzonderlijk hoge vervolgingsgraad van vrouwelijke sodomie in de regio. Hoe zichtbaarder vrouwen waren in de maatschappij, hoe groter het risico voor vrouwen die zich aangetrokken voelden tot andere vrouwen om ontdekt en bestraft te worden.



Female sodomy was almost completely neglected by early modern theologians and jurists. Artists who actually represented same-sex acts usually did so under the pretext of mythological scenes.

Jacob van Loo, 'Amaryllis Crowning Mirtillo' (1660).

Collection Muiderslot.

## Introduction

Although the myth of 'lesbian impunity' has been challenged previously<sup>2</sup>, court records seem to suggest that in most early modern European cities women were hardly ever convicted of sodomy.<sup>3</sup> This was far from being the case in the Southern Netherlands where in fact nearly one out of ten accused sodomites was a woman. Assuming that female same-sex activity was not a phenomenon exclusively restricted to the Southern Low Countries, this article argues that there was a greater willingness to prosecute women for this 'crime against nature' than in other European regions. Court records and bailiff accounts dating from c. 1400 to c. 1550 from the cities of Bruges<sup>4</sup>, Ghent, Ypres, Antwerp, Brussels, Louvain and Malines have rendered thirteen female sodomy trials, in which 25 women were tried. These documents not only uncover the testimonies of women condemned for same-sex activities, they also show that some women were accused of bestiality, cross-dressing, masturbating and having sexual intercourse with Muslims. Moreover, they demonstrate that the penalties for sodomy were as strict for women as they were for men.

Close discursive analysis of the sources can uncover the reason for this apparent greater willingness to prosecute female sodomites in the Southern Netherlands. It could be the outcome of a legal framework that explicitly linked female same-sex desire with (male) sodomy, lesser tolerance for deviant sexuality or the fact that these women were more visible in the public sphere due to the overall privileged social position of women in the region. This would make them more likely to come to the attention of the authorities and easier to prosecute for a crime that was predominately perceived as a masculine form of transgression in most parts of early modern Europe.

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2 Louis Crompton, 'The Myth of Lesbian Impunity: Capital Laws from 1270 to 1791', *Journal of Homosexuality* 6 (1981) 11-25.

3 While I agree with Judith Bennett that the refusal of many historians to use the word lesbian 'promotes heteronormative misconceptions of the past', I do not employ the terms 'lesbian' or 'lesbian-like', because this article does not discuss the individual agency of the women convicted for sodomy in the Southern Netherlands, but rather

the willingness of the urban authorities to convict them for this crime. On linguistic discussions concerning the word 'lesbian', see: Judith Bennett, "'Lesbian-Like' and the Social History of Lesbianisms', *Journal of the History of Sexuality* 9 (2000) 1-24; Martha Vicinus, 'Lesbian History: All Theory and No Facts or All Facts and No Theory?', *Radical History Review* 60 (1994) 57-75; David Halperin, 'Lesbian Historiography before the Name?', *GLQ: A Journal of Lesbian and Gay Studies* 4 (1998) 559-578; Noreen Giffney, Michelle Sauer and Diane Watt, 'Introduction: The Lesbian Premodern', in: Noreen Giffney, Michelle Sauer and Diane Watt (eds.), *The Lesbian Premodern* (New York 2011) 3-6.

4 And the surrounding Franc of Bruges.

## Female sodomy in theological and legal traditions

The notion that sodomy was solely a male crime was part of a long intellectual tradition. Most pre-modern sources concerning the subject exhibit a phallocentric understanding of human sexuality, which means that sex was comprehended only in terms of actual penetration.<sup>5</sup> Women were considered to be incapable of having sex with one another without the active participation of a male or the use of artificial devices. While certain medieval medical writers pointed out that women could develop fleshly growths outside the vagina that could be used as a penis to have sexual intercourse with other women, this sexual irregularity was usually only attributed to exotic women from other continents. Then, after the sixteenth century anatomical ‘rediscovery of the clitoris’, fears arose that European women were also able to penetrate other women.<sup>6</sup> Prior to this however, the possibility that female sodomy could actually occur was not taken very seriously and therefore did not attract much attention from pre-modern lawmakers and theologians.

For instance, Paul was one of the few early Christian authors who explicitly addressed female homoeroticism in his writings.<sup>7</sup> In the centuries that followed, the topic of unnatural sex between women was treated by only a limited number of penitentials.<sup>8</sup> Even the eleventh century Italian theologian Peter Damian, who actually coined the term ‘sodomy’, did not include female same-sex acts in his notorious ‘Book of Gomorrah’. Later scholars like Peter Abelard (1079-1142) and Thomas Aquinas (1225-1274) did include female-female sex in their comments on sodomy, but the phenomenon remained largely neglected by most ecclesiastical writers.<sup>9</sup>

According to Jacqueline Murray, this lack of concern was reflected in secular law: ‘Indeed, lesbian sexual activity was virtually ignored in medieval secular law codes’.<sup>10</sup> Only a few cities, like the French town of Orléans (1270) and Treviso near Venice (1574) had laws condemning female sodomy.<sup>11</sup> In 1499 the

5 Jacqueline Murray, ‘Twice Marginal and Twice Invisible: Lesbians in the Middle Ages’, in: Vern Bullough and James Brundage (eds.), *Handbook of Medieval Sexuality* (New York 1996) 201; Edith Benkov, ‘The Erased Lesbian: Sodomy and the Legal Tradition in Medieval Europe’, in: Francesca Canadé Sautman and Pamela Sheingorn (eds.), *Same Sex Love and Desire among Women in the Middle Ages* (New York 2001) 102; Carol Lansing, ‘Donna con Donna?: A 1295 Inquest into Female Sodomy’, *Studies in Medieval and Renaissance History* 2 (2005) 115.

6 Katharine Park, ‘The Rediscovery of the Clitoris: French Medicine and the Tribade, 1570-1620’, in:

David Hillman and Carla Mazzio (eds.), *The Body in Parts: Fantasies of Corporeality in Early Modern Europe* (New York 1997) 171, 179.

7 Bernadette Brooten, *Love Between Women: Early Christian Responses to Female Homoeroticism* (Chicago 1996) 195-214.

8 Pierre Payer, *Sex and the Penitentials: The Development of a Sexual Code 550-1150* (Toronto 1984) 135.

9 Mark Jordan, *The Invention of Sodomy in Christian Theology* (Chicago 1997) 40-44, 165.

10 Murray, ‘Twice Marginal’, 201.

11 Crompton, ‘The Myth of Lesbian Impunity’, 13, 18.



Portuguese King Manuel I promulgated an edict in which he sentenced female sodomites to the stake.<sup>12</sup> In the Holy Roman Empire, only one imperial city code (Bamberg, 1507) addressed the issue of same-sex acts between women before the ‘Constitutio Criminalis Carolina’ was promulgated in 1532. This criminal code instituted by Emperor Charles V imposed the death penalty on women who had sex with each other<sup>13</sup>, while the Buggery Act of 1533, which made male sodomy a capital crime in the realm of Henry VIII, did not mention women at all.<sup>14</sup> In other regions too, the subject of female sodomy remained more or less neglected by law and theology throughout the early modern period.<sup>15</sup>

As a consequence, only a handful of female sodomites actually came to trial between 1400 and 1550. ‘Among the hundreds if not thousands of cases of homosexuality tried by lay and ecclesiastical courts in medieval and early modern Europe only a few involved sexual relations between women’.<sup>16</sup> Mary Elizabeth Perry discovered that female-female sex was not prosecuted at all in early modern Seville<sup>17</sup>, Guido Ruggiero drew the same conclusion for fifteenth-century Venice<sup>18</sup>, and Michael Rocke found ‘not a single case of sexual relations between women’, after analysing thousands of Florentine sodomy cases from a period of almost two centuries.<sup>19</sup> Based upon surviving court records, it seems that female same-sex offenders were tried neither in England<sup>20</sup>, nor in the Northern Netherlands during the fifteenth and sixteenth centuries.<sup>21</sup> In other parts of Europe, we find only isolated trials against female sodomites during the period studied, namely Jehanne and Laurence from France, imprisoned in 1405<sup>22</sup>; a recluse named Katharina Guldin and an anonymous lay woman

12 François Soyer, *Ambiguous Gender in Early Modern Spain and Portugal: Inquisitors, Doctors and the Transgression of Gender Norms* (Leiden 2012) 41.

13 Helmut Puff, *Sodomy in Reformation Germany and Switzerland 1400-1600* (Chicago 2003) 47.

14 Laura Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern London* (Oxford 1998) 65; Bruce Smith, *Homosexual Desire in Shakespeare's England: A Cultural Poetics* (Chicago 1991) 43-47.

15 Valerie Traub, ‘The (In) Significance of “Lesbian” Desire in Early Modern England’, in: Jonathan Goldberg (ed.), *Queering the Renaissance* (Durham 1994) 4.

16 Judith Brown, ‘Lesbian Sexuality in Medieval and Early Modern Europe’, in: Martin Duberman, Vicinus and George Chauncey (eds.), *Hidden from History: Reclaiming the Gay and Lesbian Past* (New York 1989) 68.

17 Mary Elizabeth Perry, *Gender and Disorder in Early Modern Seville* (Princeton 1990) 123.

18 Guido Ruggiero, *The Boundaries of Eros: Sex Crimes and Sexuality in Renaissance Venice* (Oxford 1985) 189.

19 Michael Rocke, *Forbidden Friendships: Homosexuality and Male Culture in Renaissance Florence* (New York 1996) 258.

20 Randolph Trumbach, ‘London's Sapphists: From Three Sexes to Four Genders in the Making of Modern Culture’, in: Gilbert Herdt (ed.), *Third Sex, Third Gender: Beyond Sexual Dimorphism in Culture and History* (New York 1994) 126; Louis Crompton, *Homosexuality and Civilization* (Cambridge 2003) 472.

21 Theo van der Meer, *Sodoms zaad in Nederland. Het ontstaan van homoseksualiteit in de vroegmoderne tijd* (Nijmegen 1995) 459-460.

22 Joan Cadden, *Meanings of Sex Differences in the Middle Ages: Medicine, Science, and Culture* (Cambridge 1995) 224.

from Rottweil, brought to court in 1444<sup>23</sup>; Katherina Hetzeldorfer, drowned in Speyer in 1477<sup>24</sup>; Catalina de Belunçe, banished from the Basque Country in 1503, but acquitted in the same year<sup>25</sup>; Agatha Dietschi, banned from Freiburg in 1547<sup>26</sup>; Françoise Morel from Geneva, drowned in 1568<sup>27</sup>; the Portuguese Isabel Álvares and Maria Gonçalves, absolved in 1570<sup>28</sup>; and Esperanza de Rojas, exiled from Valencia in 1597.<sup>29</sup> Other trials are mentioned only briefly in chronicles, such as the cases of Greta from Gutenstein (1514) and anonymous women from Spain (1409, 1502), France (1533, 1535), Grenzach on the Rhine (1537), and Italy (1580).<sup>30</sup>

Although Helmut Puff concludes that ‘northern European powers were more active than Mediterranean societies in penalising female homoeroticism’<sup>31</sup>, the small number of actual court cases implies that female sodomites surfaced but rarely, rather than being subjected to systematic prosecution. On the other hand, we must take into account the fact that early modern authorities regularly used a veiled vocabulary to describe female sodomy. This opaque terminology was clearly marked by the ‘unwillingness of early modern leaders to make the reality of lesbianism more explicitly known’.<sup>32</sup> Most authorities refused to announce that they sentenced women for having intercourse with members of their own sex; in the Geneva case of Françoise Morel for example, legal advisors strongly recommended that the public statement concerning the trial be vaguely phrased.<sup>33</sup> Since women were thought to be more lustful than men and easily susceptible to debauchery,

23 Because of their different legal status, both the city authorities and the episcopal court became involved. The outcome of the trial however remains unknown. Helmut Puff, ‘Localizing Sodomy: The “Priest and Sodomite” in Pre-Reformation Germany and Switzerland’, *Journal of the History of Sexuality* 8 (1997) 182-183.

24 Helmut Puff, ‘Female Sodomy: The Trial of Katherina Hetzeldorfer (1477)’, *Journal of Medieval and Early Modern Studies* 30 (2000) 41-61.

25 Sherry Velasco, *Lesbians in Early Modern Spain* (Nashville 2011) 36-38.

26 Puff, *Sodomy*, 32-34.

27 William Monter, ‘Sodomy and Heresy in Early Modern Switzerland’, in: Salvatore Licata and Robert Petersen (eds.), *The Gay Past: A Collection of Historical Essays* (New York 1985) 46; William Naphy, ‘Reasonable Doubt: Defences Advanced in Early Modern Sodomy Trials in Geneva’, in: Maureen Mulholland and

Brian Pullan (eds.), *Judicial Tribunals in England and Europe, 1200-1700: The Trial in History* (Manchester 2003) 131.

28 Soyer, *Ambiguous Gender*, 44.

29 Velasco, *Lesbians*, 50-53. For the seventeenth century however, André Fernandez traced three accused women in Barcelona, one in Valencia and five in Saragossa, yet only one of them was actually punished. André Fernandez, ‘The Repression of Sexual Behavior by the Aragonese Inquisition between 1560 and 1700’, *Journal of the History of Sexuality* 7 (1997) 494.

30 Helmut Puff, ‘Toward a Philology of the Premodern Lesbian’, in: Giffney, Sauer and Watt (eds.), *The Lesbian Premodern*, 146; Brown, ‘Lesbian Sexuality’, 495 n. 3; Velasco, *Lesbians*, 35-36.

31 Puff, *Sodomy*, 31.

32 Naphy, *Sex Crimes: From Renaissance to Enlightenment* (Stroud 2004) 161.

33 Naphy, ‘Reasonable Doubt’, 131.

early modern authorities did not want to make information about female homoeroticism public, assuming that it could lead women to experiment.<sup>34</sup> This means that such sex acts might have been prosecuted more often than has been believed.

### Female sodomy prosecution in the Southern Netherlands

The remarkably low level of apparent prosecution throughout early modern Europe sharply contrasts with the situation in the Southern Low Countries during the fifteenth and sixteenth centuries. Out of 162 sodomy trials conducted in the cities of Bruges, Ghent, Ypres, Antwerp, Brussels, Louvain and Malines, thirteen involve women. During these trials no less than 25 women were charged with sodomy. This surprisingly high number of individuals accounts for 8.41 percent of the 297 sodomites accused between c. 1400 and c. 1550 in the aforementioned cities, which were among the major urban centres of the region.

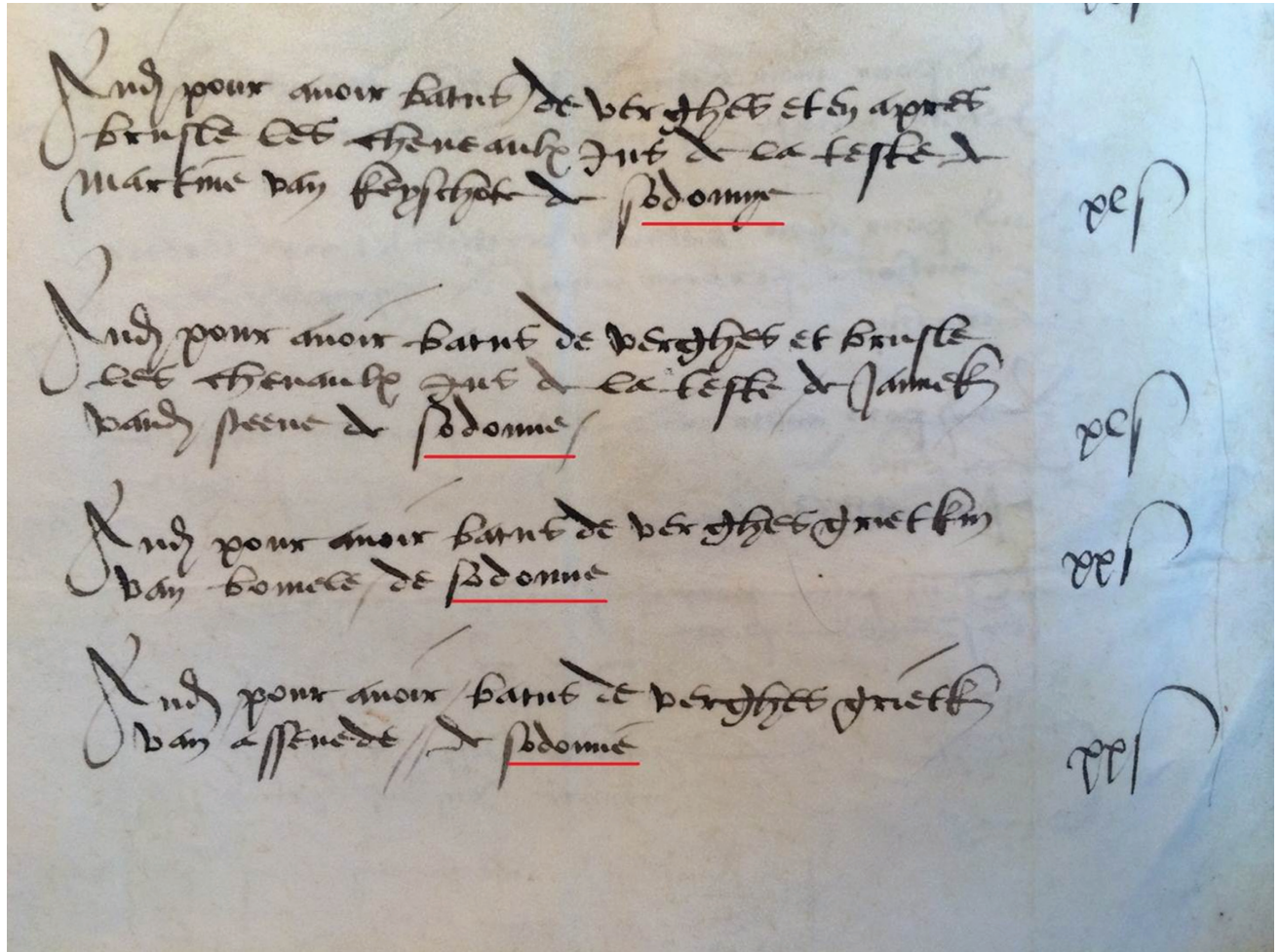
These trials were recorded in what are known as bailiff accounts. Bailiffs were princely officials with legal duties at a local level, such as collecting fines, investigating criminal offences, arresting offenders and executing verdicts. Each year the bailiff was required to present an account of the revenues and expenses of his judicial activities before the princely Chamber of Accounts.<sup>35</sup> In many cases these accounts are the only surviving sources of information about criminality in the Southern Netherlands. Unfortunately they are concise by nature, often including no more than the name of the criminal, a short description of the crime and the punishment given. Yet in spite of this disadvantage, these sources contain a wealth of information on female sodomites, forcing us to reconsider contemporary perceptions of female homoeroticism.

For instance, the early modern reluctance to speak of female sodomy is at odds with the straightforward approach of the urban authorities in the Southern Netherlands. Each verdict on female same-sexuality states very clearly what exactly was at stake by using terms as 'buggery', 'unnatural sin', 'sin against nature' or 'sodomy'.<sup>36</sup> This implies that the legal system in the Southern Netherlands had a very broad, yet well-defined understanding of

34 Ian Maclean, *The Renaissance Notion of Woman: A Study in the Fortunes of Scholasticism and Medical Science in European Intellectual Life* (Cambridge 1980) 43-44; Dyan Elliott, 'Women in Love: Carnal and Spiritual Transgressions in Late Medieval France', in: Barbara Hanawalt and Anna Grotans (eds.), *Living Dangerously: On the Margins in Medieval and Early Modern Europe* (Notre Dame 2007) 69.

35 Henri Nowé, *Les baillis comtaux de Flandre: Des origines à la fin du XIVe siècle* (Brussels 1928); Jan Van Rompaey, *Het grafelijk baljuwsambt in Vlaanderen tijdens de Boergondische periode* (Brussels 1967).

36 'Buggerie', 'onnatuerlike zonde van zodomye', 'le villain pechie contre nature', 'zodomie'.



Civic authorities in the Southern Netherlands  
 explicitly labeled female same-sex acts as sodomy,  
 which is illustrated by the sentence against  
 Maertyne van Keyschote and her accomplices.  
 Brussels, National Archives of Belgium, Chambers of  
 Account, 13783, fo. 122.



the concept of sodomy, which was narrowly conceived as an unnatural act of masculine penetration in other parts of Europe. Because of this phallogentric vision on sexuality, many early modern courts found it difficult to determine precisely what crime was committed by women who had sex with other women.<sup>37</sup> Contrary to the Northern Netherlands for instance, where ‘general ignorance on the subject’ prevailed<sup>38</sup>, the authorities in the Southern Netherlands were well aware of the range of sexual activities possible among female sodomites. They even made a distinction between offenders who were found guilty of actual sodomy and others who had only committed ‘a certain kind of sodomy’.

This was the case with Maertyne van Keyschote, daughter of Adriaen, who was a fuller in Bruges.<sup>39</sup> Maertyne confessed she had committed ‘a certain great kind of the unnatural sin of sodomy with several young girls whom she had instigated and deceived’ (‘zekere groote specien vanden onnatuerlike zonde van zodomye’). At dawn on Saturday the 10th of June 1514 Maertyne was scourged, her hair was burned off and she was banished from the county of Flanders for a hundred years.<sup>40</sup> One of her accomplices was Jeanne vanden Steene. Notwithstanding the fact that her father Jan was a law enforcer (‘scadebeletter’), she received the same penalty as Maertyne. The account mentions further that Jeanne received this ‘mild’ sanction because of her ‘innocence’.<sup>41</sup> Finally, two female minors, Grietkin van Bomele and Grietkin van Assenede were punished for being ‘misled to commit some kind of sodomy with others’ (‘laten vertweeffelen ende misleeden met andre te doene eeneghe specyen van zodomye’). Because of their youth, they were only flogged.<sup>42</sup>

The trial against Maertyne and her accomplices also shows clearly that, as was often the case with male sodomites, women who initiated the ‘sin against nature’ were usually punished more harshly than those who submitted to the crime. Indeed, these passive women frequently presented themselves as innocent victims who did not fully understand the impact of their misdeeds. This strategy was probably also used by Margarete Scoucx, who was questioned under torture together with Marie de Valmerbeke and her daughter Belle Wasbiers, in Ghent in 1434. Marie and Belle were both ‘justicié au feu’ for committing ‘le villain pechie contre nature’.<sup>43</sup> Yet Margarete, who worked as a servant girl for Marie and Belle, was merely exiled

37 Gowing, ‘Lesbians and Their Like in Early Modern Europe, 1500-1800’, in: Robert Aldrich (ed.), *Gay Life and Culture: A World History* (London 2006) 128.

38 Van der Meer, ‘Tribades on Trial: Female Same-Sex Offenders in Late Eighteenth-Century Amsterdam’, *Journal of the History of Sexuality* 1 (1991) 439.

39 Marc Boone, ‘State Power and Illicit Sexuality: The Persecution of Sodomy in Late Medieval Bruges’, *Journal of Medieval History* 22 (1996) 143.

40 Bruges, City Archive (hereafter CAB), Series 192, nr. 1 (Verluydboek 1490-1537), fo. 81-81v; Brussels, National Archives of Belgium (hereafter NAB), Chambers of Account, 13783, fo. 122.

41 Bruges, CAB, Series 192, nr. 1, fo. 81v; Brussels, NAB, Chambers of Account, 13783, fo. 122.

42 *Ibid.*

43 Brussels, NAB, Chambers of Account, 14114, non-foliated.

for ten years. The court apparently decided that mother and daughter took advantage of their maid, who had no choice but to participate in the crime, and therefore received a more lenient sentence.<sup>44</sup>

Still, what is particularly striking about these female sodomy trials is the fact that – unlike Margarete Scoucx – most women were not spared, but rather had to take full responsibility for their actions. The unusually high number of executions, shown in Table 1, illustrates the relentless repression of female sodomy in this region. This willingness to impose the severest of punishments on female sodomites is quite unique in pre-modern Europe. According to André Fernandez, ‘penalties to women remained far milder than those punishing male sexuality’ in early modern Spain as well.<sup>45</sup> In eighteenth-century Amsterdam ‘the criminal court seems to have considered tribadism as a less serious crime than sodomy’, since women’s penalties included fewer years of confinement than those imposed on men.<sup>46</sup>

This forbearance was not shown to the accused women in the Southern Netherlands. In 1375 Amele sMoors from Ghent, who had done the ‘filthy work’ (‘den vulen werke’) with her sister, might have been able to avoid persecution by paying an enormous fine<sup>47</sup>, but during the period analysed here, this was no longer possible. Out of 25 female defendants, no less than 15 were executed. This sentencing rate largely corresponds with that of male sodomites: 203 of the 272 accused men were sentenced to death. Moreover, no gender based distinction was made when deciding the appropriate penalty. Degrading punishments such as being buried alive or drowning were usually imposed on women who committed capital crimes<sup>48</sup>, but female sodomites in the Southern Netherlands received the same sentence male sodomites usually received – death by burning. The public nature of this penalty suggests that the urban authorities of the Southern Low Countries did not necessarily want to keep these offences a secret from the public. This tendency is further underscored by the high number of women executed simultaneously. In 1482–1483, Bruges’ executioner, burned no less than six female sodomites on the same day<sup>49</sup>, and as early as 1374 the bailiff of Ghent immolated five women

44 Ghent, City Archive, Series 414bis, nr. 1 (Baillage du Vieux-Bourg, 1388–1636), non-foliated.

45 Fernandez, ‘The Repression of Sexual Behavior’, 494.

46 Van der Meer, ‘Tribades’, 437.

47 David Nicholas and Walter Prevenier (eds.), *Gentse stads- en baljuwsrekeningen (1365–1376)* (Brussels 1999) 366.

48 Richard Van Dülmen, *Theatre of Horror: Crime and Punishment in Early Modern Germany* (Cambridge 1990) 88–91; Ellen Kittell, ‘Reconciliation or Punishment: Women,

Community, and Malefaction in the Medieval County of Flanders’, in: Ellen Kittell and Mary Suydam (eds.), *The Texture of Society: Medieval Women in the Southern Low Countries* (New York 2004) 9.

49 Amplunie (the wife of Josse Van Halle), the anonymous young wife of Jehan Betins, Hester De Witte, Lijsbet Vander Muelne, Katheline Croux and Katherine Ysenbaert. Brussels, NAB, Chambres of Account, 13781, fo. 47v0; Boone, ‘State Power and Illicit Sexuality’, 151.

at the same time<sup>50</sup> – dramatic events likely to have caused quite a stir among the urban community. The fourteenth-century account does not indicate why these women were executed, yet the method of their execution makes it likely that they were in fact sodomites.

Years	Executions	Corporal punishments	Banishments	Corporal punishments + banishments	Releases	Total
ca. 1400-1425	2	0	0	0	2	4
1426-1450	2	0	1	0	0	3
1451-1475	1	0	0	0	0	1
1476-1500	7	0	0	0	1	8
1501-1525	0	2	0	2	0	4
1526-ca. 1550	3	2	0	0	0	5
Total	15	4	1	2	3	25

Table 1: Sentences of female sodomy (Southern Netherlands, ca. 1400-ca. 1550).<sup>51</sup>

These group executions are highly intriguing, and as a matter of fact only seven trials concerned individuals. One was Jozyne Quetieborne who had committed ‘le pechie de zodomy’ while she was imprisoned in Bruges’ jail for an unrelated crime during 1541-1542.<sup>52</sup> Since no cellmates were involved in her trial, Jozyne might very well have been punished for masturbating, the least serious kind of sodomy according to contemporary legal experts.<sup>53</sup> In all other cases though, several women were penalised together. Nevertheless, the sources contain too little information on the nature of the relationships between these women to speculate about the potential existence of a pre-modern lesbian subculture in the early modern Low Countries.

Rather than revealing details regarding the individual agency of these women, the sources offer valuable insights into the perception of female sodomy and the willingness of the urban authorities to prosecute this offence in particular. Not only were the women in question explicitly labelled sodomites, they also received the same harsh punishments as their male equivalents. Moreover, a surprisingly high number of women were brought

50 Lijsbette Pijlsers, Amele sMuelneeren, Kalle sLathouwers, Marie van Gheeraerdsberghe and Meerin van der Haghe, all originating from Vrasene, a small village two days removed from Ghent. Nicholas and Prevenier (eds.), *Gentse stads- en baljuwsrekeningen*, 346.

51 Sources: bailiff accounts of Bruges, Ghent, Ypres, Antwerp, Brussels, Louvain and Malines (1400-1550).

52 Brussels, NAB, Chambers of Account, 13715, non-foliated.

53 Jean Stengers and Anne Van Neck, *Masturbation: The History of a Great Terror* (Houndmills 2001) 25; Thomas Laqueur, *Solitary Sex: A Cultural History of Masturbation* (New York 2004) 140.

to trial for sodomy. This was partly a consequence of the broad understanding of female sodomy prevalent in the early modern Southern Netherlands, as is clearly demonstrated by the trial against Kathelyne Dominicle held in Brussels during 1555-1556. Kathelyne was 'a poor laundress living in a small room' who was accused of 'having committed buggery with her dog' ('met eenen hueren hont buggerie hadde ghecommitteert'); a crime for which both she and her pet ended up at the stake.<sup>54</sup> As a result of the phallogocentric vision of sexuality in Western Christian tradition, bestiality was usually considered a crime committed exclusively by men, since only men were able to violate the divine order by actively penetrating an animal<sup>55</sup>, thus early modern courts rarely tried women for bestiality.<sup>56</sup> Yet it seems that in the Southern Netherlands women were indeed considered capable of having sexual intercourse with animals, and as a consequence could be prosecuted for bestiality. This unusual case once again illustrates that the Southern Netherlands were among Europe's core regions for the repression of female sodomy.

This exceptional state of affairs is further underlined by the fact that even women who, at first glance, had not committed any crimes against nature, but had crossed sexual boundaries in other ways were sometimes also perceived as sodomites. For instance, on the 14th of April 1550, Lysken Jans and Johanne Silversmeets were publicly beaten with rods in front of Brussels' town hall for having 'carnal conversation with Turks lodged before the Béguinage' ('carnaele conversatie').<sup>57</sup> Although no same-sex acts were involved in this particular case, Lysken and Johanne were still punished for sodomy.<sup>58</sup> In his manual on criminal law, sixteenth-century jurist Joos de Damhouder, explained why having sex with Turks, Saracens and Jews was considered sodomy and therefore forbidden. Although De Damhouder acknowledged that intrinsically this type of sexual intercourse

54 Brussels, NAB, Chambers of Account, 12709, fo. 27vo; Fernand Vanhemelryck, *De criminaliteit in de ammanie van Brussel van de late middeleeuwen tot het einde van het Ancien Régime (1404-1789)* (Brussels 1981) 162.

55 Joyce Salisbury, 'Bestiality in the Middle Ages', in: Joyce Salisbury (ed.), *Sex in the Middle Ages: A Book of Essays* (New York 1991) 179-180; Jonas Liliequist, 'Peasants against Nature: Crossing the Boundaries between Man and Animal in Seventeenth- and Eighteenth-Century Sweden', *Journal of the History of Sexuality* 1 (1991) 393; Courtney Thomas, "'Not having God before His Eyes": Bestiality in Early Modern England', *The Seventeenth Century* 26 (2011) 150.

56 José Cáceres Mardones, 'Böse Gedanken, teuflischer Mutwillen und Liebe Ehepaare und Tiere in Gerichtsverfahren gegen Bestialität', *Tierstudien* 3 (2013) 51.

57 Brussels, NAB, Chambers of Account, 12708, fo. 389vo; Vanhemelryck, *De criminaliteit*, 162.

58 See also the Austrian case of Magdalena Gallin, who was accused of sodomy for having sexual intercourse with the Jewish Isaak Löbl in 1780. Magdalena had to serve a sentence in the local house of correction, while Isaak was sentenced to forced labour. Susanne Hehenberger, *Unkeusch wider die Natur. Sodomieprozesse im frühneuzeitlichen Österreich* (Vienna 2006) 83-102.



differed significantly from what was usually regarded as sodomy, he advised punishing these ‘wrongdoers’ as sodomites since Turks, Saracens and Jews were considered ‘animals because of the persistent anger they showed in disputing the Christian faith’.<sup>59</sup>

As the case of Lysken and Johanne shows, it appears that society in the Southern Low Countries saw any transgression of traditional sexual boundaries as a serious threat. Moreover, at least four women were accused of cross-dressing<sup>60</sup>, although in only one of these cases actual accusations of sodomy were made. In 1422, Jehanne Seraes confessed to the bailiff of Ghent that she had committed ‘le detestable fait de boggerie davoire alé habitué en habit d’homme’, for which she was ‘condempné de ardoir’.<sup>61</sup> In the three other cases the sources do not mention anything about same-sex acts, and so the women involved are not included among the number of convicted female sodomites. Indeed, a connection between female sodomy and cross-dressing cannot always be clearly made. While Rudolf Dekker and Lotte van de Pol have demonstrated that early modern women who were accused of cross-dressing had economic rather than sexual motives for their actions in most cases, Judith Bennett and Shannon McSheffrey recently stressed that male dress held erotic potential for early modern women.<sup>62</sup> Nevertheless, there is no doubt that urban authorities in the Southern Netherlands were particularly concerned with women who actively undermined traditional hierarchies between men and women.

This would explain why women who ‘consciously’ chose to engage in ‘unnatural’ sexual acts were condemned as sodomites, whereas women sodomised by their own husbands were let off by the authorities.<sup>63</sup> The court

59 Joos de Damhouder, *Practycke ende handbouch in criminele zaeken* (Roeselare) 169. This idea already appeared in the writings of the fourteenth-century French jurist Jean Le Coq, who was quoted on the subject up till the eighteenth century. Jean le Coq, *Quaestiones Johannis Galli* (Paris 1945) 482.

60 Rudolf Dekker and Lotte van de Pol, *The Tradition of Female Transvestism in Early Modern Europe* (London 1989). On two cases of female cross-dressing in Bruges, see: Guy Dupont, *Maagdenverleidsters, hoeren en speculanten. Prostitutie in Brugge tijdens de Bourgondische periode (1385-1515)* (Bruges 1996) 129; Mariann Naessens, ‘De repressie van seksuele en religieuze deviantie in Kortrijk en Brugge omstreeks 1500. Een ethisch reveil en een socio-economische

verklaring’, *Handelingen van het Genootschap voor Geschiedenis te Brugge* 137 (2000) 228-231.

61 To my knowledge, the trial against Jehanne is the earliest conviction of female transvestism in the Southern Netherlands. In any case, Jehanne’s example is considerably older than the known cases from neighbouring countries. Brussels, NAB, Chambers of Account, 14112, non-foliated.

62 Judith Bennett and Shannon McSheffrey, ‘Early Erotic and Alien: Women Dressed as Men in Late Medieval London’, *History Workshop Journal* 77 (2014) 8.

63 For early modern perceptions of heterosexual anal intercourse, see: Celia Daileader, ‘Back Door Sex: Renaissance Gynosodomy, Aretino, and the Exotic’, *English Literary History* 69 (2002) 303-334.

records examined mention two cases in which men were punished for having anal intercourse with their wife.<sup>64</sup> One involved an anonymous man from Nieuwpoort, a small town on the Flemish coast, who was banished in 1525.<sup>65</sup> The other concerned Dominicus Potsel from Bonn, who was burned by the bailiff of Louvain in 1532. After being imprisoned for a week and tortured twice, Dominicus confessed that he ‘had committed buggery with several persons, including his own spouse’ (‘van bouggeryen gedaen te hebben met diverse personen ende oock met zynen eyghenen huysvrouwe’).<sup>66</sup> Thanks to the testimonies of their husbands, we know for a fact that these women were accomplices to the crime of sodomy, yet remarkably no indication was found in the sources that they were punished or even questioned.

The rather benevolent treatment of the two married women forms an intriguing contrast with the rigid attitude of urban authorities towards unwed female deviants. It is not known if these married women testified against their husbands in order to receive a reduced sentence, but the fact that they got away unpunished remains striking. Although sodomy was a comprehensive crime that was condemned in early modern society as a violation of natural law regardless of the circumstances, distinctions were made depending upon the context in which it occurred. Women who sinned against nature within the moral sanctity of marriage could count on far more goodwill from the authorities than women who transgressed against the existing gender hierarchy outside of this traditional framework.<sup>67</sup>

Some scholars have pointed out that in the late medieval period it was often the case that when a married couple committed an offense, only the husband was punished since he was legally responsible for his wife.<sup>68</sup> According to Joan Cadden, women were thus easily overlooked in court.<sup>69</sup> Yet this seems applicable only to wives who were sodomised by their husbands, and not to women who engaged in same-sex acts. Four of the executed female sodomites in the early modern Southern Netherlands are known to have been

64 For an Austrian example of a ‘heterosexual’ sodomy trial, see: Hehenberger, *Unkeusch wider die Natur*, 81–82. In Venice however, the patterns of persecution suggest that ‘heterosexual sodomy’ was considered more as a form of birth control than an unnatural sexual activity; Ruggiero, *The Boundaries*, 118–121.

65 Brussels, NAB, Chambers of Account, 14286, non-foliated.

66 *Ibid.*, 12662, non-foliated.

67 However, over a century later – in 1683 – Jan Vinck from Antwerp was indicted for having ‘abused against nature’ (‘abominabelijck ende jegens nature sodomitise te misbruijcken’) Barbara van

Burck and Marie vande Sijl. Because of flawed evidence, Vinck was merely imprisoned. Four years later, he was released at the behest of Francisco Antonio de Agurto, governor of the Southern Netherlands. Since both women were not mentioned in the sources, we must assume they were considered innocent. Antwerp, Felix Archive, vs 158 (Vierschaarboek 1671–1684), fo. 150–151; vs 159 (Vierschaarboek 1684–1698), non-foliated.

68 Ruth Mazo Karras, *Common Women: Prostitution and Sexuality in Medieval England* (New York 1996) 519.

69 Cadden, *Meanings of Sex Differences*, 224.

married; all of them ended up at the stake while their men were not blamed for the misdeeds of these women at all and were left unpunished.

### Female visibility as an explanation?

In order to explain why female sodomy was penalised more frequently in the early modern Southern Netherlands than in other parts of Europe, it is important to verify whether the legal framework acknowledged the possibility of female same-sex desire. As mentioned before, female homoeroticism was practically ignored by most lawmakers in early modern Europe, and indeed the prosecution of female sodomy had no legal basis whatsoever in the Southern Netherlands; at least not until the ‘Constitutio Criminalis Carolina’, which did actually mention female sodomites, was promulgated in 1532. This imperial penal code was aimed at reforming and unifying criminal court procedures throughout the Habsburg territories. As most urban centres continued to use their own legislation however, the ‘Carolina’ had no major impact on the persecution of female sodomites in the Southern Netherlands where no specific laws or civic ordinances referencing the matter existed.

Nor did sodomite women appear in the writings of some of the most influential contemporary legal experts. Fifteenth-century jurist Willem van der Tanerijen from Brabant described sodomy cryptically as ‘the sin against nature [...] and things other than those that a man ought to do with his wife’<sup>70</sup>, phrasing that automatically negated the fact that women could also have mutual sexual relationships. Others like Philips Wielant who lived and worked in Ghent during the fifteenth century, followed suit. Wielant’s magnum opus, *Corte instructie in materie criminele* – better known as the *Pracktycke Criminele* – refers to sodomites only in the masculine form. ‘The sin of nature consists of three types: with men, with animals and with himself’. When recommending appropriate punishments for sodomy, Wielant claimed: ‘If it is done with people, albeit with his own wife, with women of easy virtue, with men or with children, those people shall be punished with fire’.<sup>71</sup> Joos de Damhouder, who was strongly influenced by the work of Wielant, followed his role model’s wording and also neglected to mention female homoeroticism in his jurists’ manual, *Practijcke ende handbouvck in criminele zaeken*.<sup>72</sup> The first edition of this handbook appeared in 1551, which means that the ‘Carolina’ had already been in force for nearly twenty years, albeit with little practical effect. All of these authors evidently assumed that sodomy was a crime that

70 Willem van der Tanerijen, *Boec van der loopender practijken der raidtcameren van Brabant* (Brussels 1952) vol. I, 189-190.

71 Philips Wielant, *Corte instructie in materie criminele* (Brussels 1995) 222.

72 De Damhouder, *Practijcke*, 166.

could be committed by men only, which is surprising given the fact they lived and worked in a region with what was probably the highest rate of female sodomy trials in early modern Europe.

It appears that the threefold division of sodomy (i.e. masturbation, same-sex acts and bestiality) proposed by Wielant and others, was rigorously applied by civic authorities to both men and women. Nevertheless the lawmakers discussed provided no stimuli for the persecution of female homoeroticism in particular. Could the harsh treatment of female sodomites be symptomatic of the social position of women in general? While this exceptional repression does look like a logical by-product of a society that systematically subordinated women, this was far from being the case in the Southern Netherlands.<sup>73</sup> Compared to other areas in early modern Europe, women were well integrated in society. For instance, young girls went to school and received the same elementary education as boys, at least up to a certain age.<sup>74</sup> As a consequence, women in this region were much more literate than in other parts of pre-modern Europe.<sup>75</sup> Some of them managed to pursue successful careers as writers<sup>76</sup>, like Anna Bijns, a schoolmistress who lived in sixteenth-century Antwerp. Bijns was renowned for her poetry, in which she often advised women to stay single.<sup>77</sup> Other women were allowed to join local chambers of rhetoric, although it must be said that their role was mostly limited to devotional activities.<sup>78</sup> Furthermore, in their study on numeracy in the early modern Low Countries, Tine de Moor and Jan Luiten van Zanden conclude that early modern Flemish women ‘were able to count and reckon just as well as men’.<sup>79</sup>

73 Eric Bousmar, ‘Neither Equality nor Radical Opression: The Elasticity of Women’s Roles in the Late Medieval Low Countries’, in: Kittell and Suydam (eds.), *The Texture of Society*, 109.

74 Hilde Bouckennooghe, *Het Gentse meisjesonderwijs tijdens het ancien regime* (Ghent 1998) 82-89; Marc Boone, Thérèse de Hemptinne and Walter Prevenier, ‘Gender and Early Emancipation in the Low Countries in the Late Middle Ages and Early Modern Period’, in: Jessica Munnes and Penny Richards (eds.), *Gender, Power and Privilege in Early Modern Europe* (Edinburgh 2003) 23-24.

75 Alain Derville, ‘L’alphabétisation du peuple à la fin du moyen âge’, *Revue du Nord* 66 (1984) 761-776.

76 For an overview of female writers and artists in the early modern Low Countries, see: Riet Schenkeveld-van der Dussen (ed.), *Met en zonder lauwerkrans. Schrijvende vrouwen uit de vroegmoderne tijd. Van Anna Bijns tot Elise van*

*Calcar. Teksten met inleiding en commentaar* (Amsterdam 1997); Katlijne Van der Stighelen, Mirjam Western and Maaïke Meijer, *A Chacun sa Grâce: Femmes artistes en Belgique et aux Pays-Bas 1500-1950* (Paris 1999).

77 Herman Pleij, *Anna Bijns, van Antwerpen* (Amsterdam 2011); Judith Pollmann, ‘“Each should tend his own Garden”: Anna Bijns and the Catholic Polemic against the Reformation’, *Church History and Religious Culture* 87 (2007) 29-45.

78 Anne-Laure Van Bruaene, ‘Brotherhood and Sisterhood in the Chambers of Rhetoric in the Southern Low Countries’, *The Sixteenth Century Journal* 36 (2005) 11-35.

79 Tine de Moor and Jan Luiten van Zanden, ‘“Every Woman Counts”: A Gender-Analysis of Numeracy in the Low Countries during the Early Modern Period’, *Journal of Interdisciplinary History* 41 (2010) 207.



Women not only had access to the classroom, they could also apply to the courts to settle legal affairs. Both sons and daughters inherited an equal share from their parents, and matrimonial legislation made it clear that a woman retained some individual belongings apart from the communal property she and her husband brought into the marriage. Furthermore, it was possible for a widow to become the head of her household and possess property in her own name<sup>80</sup>, and many women in the Southern Netherlands were economically independent without having inherited from their husbands. Some for instance, achieved important roles in manufacturing and retailing activities. According to Peter Stabel, the flexibility of the guild-regulated economy in the early modern Southern Netherlands allowed women 'to participate, and even to some extent dominate, market exchange'.<sup>81</sup> Such entrepreneurs often had classic female occupations, but in some cases they worked in atypical industries. In Brussels for example, the guild of painters and goldsmiths accepted female members without restrictions. In Malines at the end of the fourteenth century, nine women were members of the guild of blacksmiths.<sup>82</sup> By 1480, a quarter of the members of the Bruges' painters' guild were women<sup>83</sup>, and in Ghent women often worked as moneylenders and innkeepers.<sup>84</sup> Moreover, women's earnings were relatively high and 'the increased participation of women in the workforce allowed women more independence and control over their lives'.<sup>85</sup> Although some moralists could not accept this situation and certain towns imposed regulations limiting female access to the market, enterprising women must not have been an uncommon sight within urban

80 Marianne Danneel, 'Gender and the Life Course in the Late Medieval Flemish Town', in: Blockmans, Boone and De Hemptinne (eds.), *Secretum Scriptorum*, 225-233; Martha Howell, *The Marriage Exchange: Property, Social Place, and Gender in Cities of the Low Countries, 1300-1550* (Chicago 1998) 234; Laura Van Aert, 'Tussen norm en praktijk. Een terreinverkenning over het juridische statuut van vrouwen in het zestiende-eeuwse Antwerpen', *Tijdschrift voor Sociale en Economische Geschiedenis* 2 (2005) 22-42; Andrea Bardin, 'Vermogende vrouwen. Het vastgoedbezit van vrouwen in laatmiddeleeuws Brussel op basis van cijnsregisters (1356-1460)', *Stadsgeschiedenis* 9 (2014) 1-24.

81 Peter Stabel, 'Women at the Market: Gender and Retail in the Towns of Late Medieval Flanders', in: Blockmans, Boone and De Hemptinne (eds.), *Secretum Scriptorum*, 261.

82 Jan Van Gerven, 'Vrouwen, arbeid en sociale positie. Een voorlopig onderzoek naar de economische rol en maatschappelijke positie van vrouwen in de Brabantse steden in de late Middeleeuwen', *Revue belge de philologie et d'histoire* 73 (1995) 953, 955.

83 Diane Wolfthal, 'Agnes van den Bossche: Early Netherlandish Painter', *Woman's Art Journal* 6 (1985) 8.

84 David Nicholas, *The Domestic Life of a Medieval City: Women, Children, and the Family in Fourteenth-Century Ghent* (Lincoln 1985) 86; Shennan Hutton, *Women and Economic Activities in Late Medieval Ghent* (New York 2011) 84.

85 De Moor and Van Zanden, 'Girl Power: The European Marriage Pattern and Labour Markets in the North Sea Region in the Late Medieval and Early Modern Period', *The Economic History Review* 63 (2010) 15.

communities, as they were depicted by numerous artists in the Southern Netherlands.<sup>86</sup>

Women also enjoyed a lot of freedom in other spheres, as illustrated by the success of beguine communities in the Southern Low Countries. The concept of women living communally in such informal religious groups was generally regarded with suspicion because beguines had no male supervision.<sup>87</sup> Yet in the Southern Netherlands the beguine movement flourished, with over twenty communities across the region.<sup>88</sup> At court noblewomen were not restricted to the private realm, but were easily visible; the joyous entry of a Burgundian duchess was celebrated in the same way as that of a duke.<sup>89</sup> Some even played an active role in international politics.<sup>90</sup> In other words, women were well integrated at virtually all levels of society and ‘although women’s roles in the society of the Southern Low Countries appear to have entered in a period of constriction in the fifteenth and sixteenth centuries, women never lost their essential capacity to move about and work in public spaces’.<sup>91</sup>

The ubiquitous role of women was partly the result of prevalent marriage patterns. Whereas women in Mediterranean societies married at a young age, women in the Southern Low Countries usually waited until their early twenties to take a husband.<sup>92</sup> This interlude between childhood and marital life strongly encouraged the economic independence of women in urban society.<sup>93</sup> Yet marriage patterns that resulted in late marriages and a large proportion of singles also created favourable conditions in which (male) sodomy could thrive, as Michael Rocke showed in his study on fifteenth-century Florence.<sup>94</sup> In a similar fashion, the late marriage age of women in the Netherlands could have provided a window of opportunity for those who wanted to experience

86 Elizabeth Alice Honig, *Painting and the Market in Early Modern Antwerp* (Yale 1998) 91.

87 Merry Wiesner-Hanks, *Women and Gender in Early Modern Europe* (Cambridge 2008) 211.

88 Walter Simons, *Cities of Ladies: Beguine Communities in the Medieval Low Countries, 1200-1565* (Philadelphia 2001); Hans Geybels, *Vulgariter Beghinae: Eight Centuries of Beguine History in the Low Countries* (Turnhout 2004).

89 Peter Arnade, *Realms of Ritual: Burgundian Ceremony and Civic Life in Late Medieval Ghent* (Ithaca 1996) 24.

90 Susan Broomhall, ‘Gendering the Culture of Honour at the Fifteenth-Century Burgundian Court’, in: Stephanie Tarbin and Broomhall (eds.), *Women, Identities and Communities in Early Modern Europe* (Aldershot 2008) 184; Dagmar Eichberger, Anne-Marie Legaré and

Wim Hüskén (eds.), *Women at the Burgundian Court: Presence and Influence* (Turnhout 2010); Monika Triest, *Macht, vrouwen en politiek: 1477-1558. Maria van Bourgondië, Margareta van Oostenrijk, Maria van Hongarije* (Louvain 2000); Dagmar Eichberger (ed.), *Women of Distinction: Margaret of York, Margaret of Austria* (Louvain 2005).

91 Kittell and Suydam, ‘Introduction’, in: Kittell and Suydam (eds.), *The Texture of Society*, xvi.

92 Benjamin McRee and Trisha Dent, ‘Working Women in the Medieval City’, in: Linda Mitchell (ed.), *Women in Medieval Western European Culture* (New York 1999) 251; Ruth Mazo Karras, *Sexuality in the Middle Ages: Doing unto Others* (New York 2005) 141.

93 De Moor and Van Zanden, ‘Girl Power’, 1-33.

94 Rocke, *Forbidden Friendships*, especially 119-122.

female homoeroticism or it may have forced others into having same-sex activities because of limited sexual access to men. In fact, only four of the 25 accused women were definitely married. Six female sodomites were described in the sources as someone's – underage – daughter, making it unlikely that they were already wed, while the remaining women appeared in the records unaccompanied by a man, and so presumably the majority of them were single.<sup>95</sup>

Of course this does not imply that female sodomy was accepted in the Southern Netherlands as some kind of rite of passage. The relative independence of women in the Southern Low Countries had its limits, especially when it came to sexual behaviour, which was a central aspect of female identity.<sup>96</sup> Early modern women were vulnerable to accusations of dishonourable sexual conduct.<sup>97</sup> For instance, raped women had to prove that they were assaulted against their will, adulterous women were punished more severely than men, and 'whore' was a common cant among slanderers.<sup>98</sup> Women in the Southern Netherlands thus had to pay a price for their considerable freedom of movement, and were encouraged to conform to the ideal of the honourable woman and to refrain from any sexual irregularity whatsoever.

The strong repression of female deviant sexuality in the Southern Netherlands could therefore – paradoxically – be the result of the relatively high level of liberty and visibility women enjoyed in urban communities. The deviant sexual activities of women confined to the private sphere were hardly ever discovered and consequently rarely punished, whereas female same-sex acts were more likely to come to light in urban communities that allowed women to fully participate in all aspects of daily life. In his discussion of homosociability in Renaissance Nuremberg, Puff states that: 'viewed from the outside, female spaces spawned erotic suspicions'.<sup>99</sup> In the Southern Netherlands however, women were not restricted to a – potentially suspicious

95 On the other hand, trial documents in the Southern Netherlands often do not include details about the domestic situation of women. Kittell, 'Reconciliation', 5.

96 Joan Kelly-Gadol, 'Did Women have a Renaissance?', in: Renate Bridenthal and Claudia Koonz (eds.), *Becoming Visible: Women in European History* (Boston 1976) 191-193; Lisa Vollendorf, 'Good Sex, Bad Sex: Women and Intimacy in Early Modern Spain', *Hispania* 87 (2004) 3.

97 Georg'ann Cattelona, 'Control and Collaboration: The Role of Women in Regulating Female Sexual Behavior in Early Modern Marseille', *French Historical Studies* 18 (1993) 29; Ulinka Rublack, *The Crimes of Women in Early Modern Germany* (Oxford 2001) 149-150; Mariann Naessens,

'Judicial Authorities' Views of Women's Roles in Late Medieval Flanders', in: Kittell and Suydam (eds.), *The Texture of Society*, 51.

98 Walter Prevenier, 'Violence against Women in Fifteenth-Century France and the Burgundian State', in: Barbara A. Hanawalt and David Wallace (eds.), *Medieval Crime and Social Control* (Minneapolis 1999) 186-203; Sandra Clarck, *Women and Crime in the Street Literature of Early Modern England* (Houndmills 2003) 44. See also: Georgina Black, *Perfect Wives, Other Women: Adultery and Inquisition in Early Modern Spain* (Durham 2001).

99 Helmut Puff, 'Homosexuality: Homosociabilities in Renaissance Nuremberg', in: Bette Talvacchia (ed.), *A Cultural History of Sexuality in the Renaissance* (Oxford 2011) 63.

– secluded female environment, which made deviant sexual activities among them more visible to the neighbourhood and the authorities. Of course, the Southern Netherlands was not the only region in early modern Europe that offered women certain liberties. Many girls went to school in Italian city-states as well, and female entrepreneurs can also be found in German towns. The Southern Low Countries had no monopoly on female governesses or beguinages, nor were they the only region with late marriages for women, and yet it is difficult to find a region in early modern Europe that allowed women to play a public role in so many different domains.

However, female involvement in public life and the economy gradually decreased over the course of the early modern period. According to Lyndal Roper, the Reformation marked a transition towards ‘a newly resurgent patriarchalism in society’, which was paralleled in most seventeenth-century Catholic areas.<sup>100</sup> Over time it became more difficult for women to maintain the legal privileges that granted them property rights or the ability to conduct business.<sup>101</sup> Even the image of female sanctity evolved during this period. Medieval female saints were powerful women who offered spiritual guidance, whereas their seventeenth-century colleagues were preferably ensconced within the walls of their convent.<sup>102</sup> Even as we observe greater emphasis on the confinement of women to the private sphere, we see a downturn in the number of female sodomy persecutions in the Southern Netherlands. During the seventeenth century for example, only two female sodomites were banished, which is a marked contrast with the previous centuries.<sup>103</sup> Meanwhile, the Northern Netherlands took the lead in prosecuting female homoeroticism during the seventeenth and eighteenth centuries.<sup>104</sup> This peak in prosecutions occurred at a moment when shipping played a major role in the Dutch economy and male mariners were often absent for long periods. Port cities like Amsterdam were characterised by a so-called ‘female surplus’, and the freedom and opportunities of women in the Republic increased substantially.<sup>105</sup> Clearly, the greater the visibility of women in society, the

100 Lyndal Roper, *Oedipus and the Devil: Witchcraft, Sexuality and Religion in Early Modern Europe* (London 1994) 38-39; William Monter, ‘Women in Calvinist Geneva (1550-1800)’, *Signs* 6 (1980) 189-209.

101 Martha C. Howell, *Women, Production, and Patriarchy in Late Medieval Cities* (Chicago 1986) 177.

102 Katrien Heene, ‘Gender and Mobility in the Low Countries: Traveling Women in Thirteenth-Century Exempla and Saint’s Lives’, in: Kittell and Suydam (eds.), *The Texture of Society*, 31-50; Elizabeth Rapley, *The Devotes: Women and Church in Seventeenth-Century France* (Montreal 1993).

103 Bruges, State Archives in Bruges, TBO 119 (Collection of the city of Bruges), nr. 622 (Criminele examinatieboek), fo. 18-29; Heidi Deneweth, ‘Hekserij of travestie? Nee, homofilie!’, *Spiegel Historiae* 21 (1986) 533-537. The bailiff accounts of the cities studied mention no other examples of female sodomites during the seventeenth century.

104 Dirk Noordam, *Riskante relaties. Vijf eeuwen homoseksualiteit in Nederland, 1233-1733* (Hilversum 1995) 58-60; Van der Meer, ‘Tribades’, 424-445.

105 Myriam Everard, *Ziel en Zinnen. Over liefde en lust tussen vrouwen in de tweede helft van de achttiende*



greater the risk of discovery and punishment for women attracted to their own sex.

## Conclusion

Because of the male perspective of theologians, authors and lawmakers, same-sex relations between men show up far more often in pre-modern sources than those involving women. Contemporary commentators could not imagine sex without penetration, and therefore the notion of two women having sex was essentially ignored in religious, medical and legal writings. As a result, trials involving female-female sex were extremely rare during the early modern period. In the Southern Netherlands however, nearly one out of ten people accused of sodomy was a woman. A systematic analysis of bailiff accounts of the cities of Bruges, Ghent, Ypres, Antwerp, Brussels, Louvain and Malines revealed 162 sodomy trials conducted between ca. 1400 and ca. 1550, involving 297 individuals. 25 of them were women, which means that women represent no less than 8.41 percent of the people accused of sodomy in the Southern Netherlands. This high level of female same-sex persecution is truly exceptional when compared to the rest of Europe, from which there is only scattered evidence of female sodomy trials.

Moreover, those responsible for this repression were not afraid to call a spade a spade where female sodomy was concerned. Judges in other European regions urged secrecy and tried to conceal the true crime of the female offenders as much as possible, whereas urban authorities in the Southern Netherlands explicitly labelled female-female sexual activities sodomy. The aldermen in this region also had a different and straightforward approach when it came to the actual sentencing of female sodomites. Examples elsewhere show that this crime was usually punished by drowning, since female sodomy was classed as a lesser sin. In the Southern Low Countries on the other hand, in most cases sodomite women were sentenced to the stake, just like their male counterparts. The public nature of this punishment also indicates that the urban authorities in the Southern Netherlands did not try to hide the misdeeds of the convicted women, as was common at the time.

Apparently authorities in the Southern Netherlands also had a broad understanding of female sodomy, since they also considered women caught cross-dressing, masturbating, committing bestiality or having sex with heretics to be sodomites. What these women had in common, is the fact that they crossed the existing sexual boundaries and as a consequence were severely penalised. Women who passively submitted to the crime however,

could count on a reduced sentence. This was especially true for married women sodomised by their husbands, who were left completely unpunished.

This unequal treatment obviously illustrates that the primary concern of early modern judges in the region was not to implement a harsh prosecution policy against deviant women at all costs, but rather to secure social and sexual hierarchies within the urban community and to preserve traditional gender roles. Women were supposed to behave in a particular manner, and although women in the Southern Netherlands enjoyed a relatively privileged position in society, even they were not allowed to violate the divine order and commit sins against nature. Indeed, perhaps it was precisely because of this high level of socio-economic independence and visibility that female same-sex acts were more likely to come to the attention of the authorities.

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